

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHAVIS VAN & STORAGE OF)
MYRTLE BEACH, INC., et al.,)
Plaintiffs,)
vs.) Case No. 4:11CV1299 RWS
UNITED VAN LINES, LLC, et al.,)
Defendants.)

MEMORANDUM AND ORDER

This matter is before me on plaintiffs' unopposed motion to stay execution of costs pending appeal under Fed. R. Civ. P. 62(d). On February 27, 2014, I granted defendants' motion for summary judgment and dismissed plaintiffs' complaint. Plaintiffs appealed that ruling. On May 1, 2014, I issued an Order taxing costs against plaintiff Chavis and in favor of defendants in the amount of \$22,796.55. Plaintiffs now seek to stay execution of that cost award pending appeal without posting a supersedeas bond. The Court has discretion to grant a stay without a supersedeas bond upon a proper showing. United States v. Mansion House Center Redevelopment Co., 682 F. Supp. 446, 449-50 (E.D. Mo. 1988). Given that there is no underlying money judgment being appealed from and defendants do not oppose the motion, the Court finds that relevant factors weigh in favor of issuing a stay without a bond requirement.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's unopposed motion to stay execution of costs pending appeal [#150] is granted, and this Court's May 1, 2014 Order awarding costs is stayed during the pendency of appeal without any supersedeas bond being required.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 8th day of May, 2014.